

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSEANN ISAAC,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 2:09-cv-12008

Hon. George Caram Steeh
Magistrate Judge Donald A. Scheer

ORDER ACCEPTING REPORT AND RECOMMENDATION (#14);
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#13);
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#8), AND;
DISMISSING PLAINTIFF'S CLAIM

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Roseann Isaac's action challenging defendant Commissioner of Social Security's denial of her March 16, 2006 applications for disability insurance benefits and supplemental security income. The matter was referred to Magistrate Judge R. Steven Whalen. On March 16, 2010, Magistrate Judge Whalen issued a 19-page Report and Recommendation recommending that defendant's motion for summary judgment be granted, that plaintiff's motion for summary judgment be denied, and that judgment enter in favor of defendant Commissioner. Plaintiff has filed timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Administrative Law Judge ("ALJ") Dean Metry denied plaintiff's application for social security disability benefits, finding that plaintiff was able to perform her past relevant work. The ALJ noted that plaintiff suffered severe impairments of "depression, anxiety, status

post heart attack, cardiovascular disease, and cervical cancer.” However, the ALJ found that plaintiff retained the ability to perform light work and could return to her past vocation as a machine feeder.

In his Report and Recommendation, Magistrate Judge Whalen considered the record as a whole. See Walker v. Secretary of Health and Human Services, 884 F.2d 241, 245 (6th Cir. 1989). The record indicates the Magistrate appropriately weighed the medical record, and found substantial evidence supporting the ALJ’s findings. Through careful analysis, Magistrate Judge Whalen upheld the administrative finding that plaintiff could return to her former position and still enjoy a “zone of choice” in pursuing her next job.

Plaintiff filed objections on April 30, 2010. The objections restate plaintiff’s previous allegations and arguments. After reviewing the record and the Report and Recommendation, the Court is satisfied with the careful analysis by Magistrate Judge Whalen and finds no error in it.

Accordingly, the court hereby ACCEPTS Magistrate Judge Whalen’s April 16, 2010 Report and Recommendation as its own. Defendant Commissioner of Social Security’s motion for summary judgment is hereby GRANTED. Plaintiff Roseann Isaac’s motion for summary judgment is hereby DENIED. Plaintiff’s claims are hereby DISMISSED with prejudice.

SO ORDERED.

Dated: July 15, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 15, 2010, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk